

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes the following changes:.

In Fig. 11, "RFID PORTABLE TERMINAL 26" should read --RFID PORTABLE TERMINAL 22--.

In Figs. 16A, 16B and 17, the legend "RELATED ART" has been added.

Attachment: Replacement sheets

### **REMARKS**

Claims 1-14 are pending in this application after this Amendment. Claims 1, 3, and 14 are independent. In light of the amendments and remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicants have amended to the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner objected to the drawings asserting Figs. 16A, 16B, and 17 should be designated by a legend such as "Prior Art." The Examiner objected to the drawings asserting they fail to comply with 37 C.F.R. §1.84(p)(4)-(5). The Examiner objected to claims 3 and 7. The Examiner further rejected claims 1-3, 5 and 7-14 under 35 U.S.C. §102(b) as being anticipated by *Murrah et al.* (USP 5,804,807); and rejected claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over *Murrah et al.* in view of *Garber et al.* (USP 6,232,870). Applicants respectfully traverse these rejections.

### **DRAWINGS**

The Examiner objected to Figs. 16A, 16B, and 17 asserting that they should be designated by a legend such as "PRIOR ART." By this Amendment, Applicants have amended these Figures to include the legend "RELATED ART." Based upon these amendments, it is respectfully requested that the outstanding objection be withdrawn.

The Examiner further objected to the drawings indicating that the specification at page 23, line 14 indicates that settlement payment button "32F" is depicted in Figure 1C. Applicants have amended the specification to properly indicate that "32F" is depicted in Figure 3.

Finally, the Examiner objected to the drawings asserting that reference character 26 has been used to designate both the RFID portable terminal and the information-processing apparatus. Applicants have amended the drawings to correct the typographical error.

Based upon the amendments to the specification and the drawings, it is respectfully requested that the outstanding objection be withdrawn.

### **CLAIM OBJECTIONS**

The Examiner objected to claims 3 and 7 based on minor informalities. Applicants have amended the claims to correct the minor informalities. Based upon these amendments, it is respectfully requested that the outstanding objection be withdrawn.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

The Examiner rejected claim 1 asserting *Murrah et al.* discloses all of the elements as recited in the claim. Applicants respectfully disagree with the Examiner's characterization of this reference.

At the outset, in support of the Examiner's rejection, the Examiner fails to identify what portions of *Murrah et al.* he is relying upon to support each claim element. Should the Examiner maintain his rejection of the claims, Applicants respectfully request the Examiner provide this information in a new, non-final Official Action so that Applicants may have a proper opportunity to respond to the rejection.

The disclosure of *Murrah et al.* is directed to a scan-ahead system where a roving attendant, presumably an employee of the shopping establishment, uses the portable scanning terminal to create an itemized list of all items in the customer's shopping cart just prior to checkout (col. 4, lines 19-23). The roving attendant further places the scanned items into a purchase bag and provided to the customer. The roving attendant completes scanning of all the customer's merchandise, tallies the

total on the portable data collecting terminal and submits the contents of the customer's record to the central processor over a wireless communication network (col. 4, lines 40-47).

In contrast, the present invention of claim 1 provides for a merchandise retail management method wherein the customer uses a portable terminal to read the commodity information from the tag, which is put on display together with the corresponding sample commodity. *Murrah et al.* does not teach or suggest the customer reading commodity information from the tag, which is on display.

Further, *Murrah et al.* does not teach or suggest handing over the commodity to the customer after the information processing apparatus had prepared the sold commodity in accordance with the related commodity information. *Murrah et al.* teaches the roving attendant bagging the items to be purchased and providing the bagged items to the customer prior to the sale of the commodities.

In addition, *Murrah et al.* is directed to a scan-ahead system where a roving attendant uses the portable scanning terminal to create an itemized list of all items in the customer's shopping cart just prior to checkout at the register counter. At that time, commodity information is read directly from the items in the shopping cart. Furthermore, in *Murrah et al.*, as for a large item, commodity information is read from not the large item itself, but a ticket for the item, namely a sample of the item. In contrast, however, in the present invention, all the commodity information is read from samples of the items.

In contrast, in the present invention, the customer operates the portable terminal, but in the cited reference, the roving attendant operates the portable terminal. Moreover, in the cited reference, it is necessary to display on shelves the items to be sold, since the commodity information is read from the items themselves. In the present invention, since the samples are handled, it is possible to save much space and also to effectively utilize the saved space.

For all the reasons set forth above, Applicants respectfully submit that claim 1 is not anticipated by *Murrah et al.* as *Murrah et al.* fails to teach or suggest all the claimed elements. It is respectfully requested that the outstanding rejection be withdrawn. It is respectfully submitted

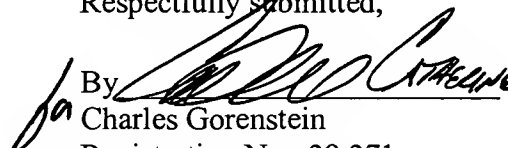
that claim 2 is allowable for the reasons set forth above with regard to claim 1 at least based upon its dependency on claim 1. It is further respectfully submitted that claims 3 and 14 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are not anticipated by *Murrah et al.* It is respectfully requested that the outstanding rejection be withdrawn.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachments